

REQUEST FOR COUNCIL ACTION

SUBJECT:

Proposed amendments to Title 1, Chapter 7, Article A, dealing with candidate financial reporting requirements in city elections.

SUMMARY:

The City Council directed that a text amendment be prepared to bring city elective office candidate reporting back into line with the 2001 City Code and its requirement for reporting in connection with primary elections as well as general elections. It was also requested that reporting requirements be made applicable to political action committees and political issue committees.

FISCAL IMPACT:

Staff believes there will be no fiscal impact from the proposed text amendments.

STAFF RECOMMENDATION:

Staff recommends adoption of the proposed changes.

MOTION RECOMMENDED:

"I move that the City Council adopt and approve Ordinance 14- 05, amending Title 1, Chapter 7, Article A of the 2009 City Code, addressing financial reporting by candidates and political committees, all as provided in the Ordinance attached to the Request for Council Action."

Roll Call Vote ☒ required. ☐ not required.

Recommended By



Richard L. Davis
City Manager

Reviewed by:



Robert Thorup
Deputy City Attorney

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 14-05

[DISCLOSURE OF POLITICAL CONTRIBUTIONS]

AN ORDINANCE AMENDING TITLE 1, "ADMINISTRATION."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 1, Chapter 7 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 1, Chapter 7, Article A, Section 1, and 7 and 8 of the 2009 City Code shall hereafter read as follows:

1-7A-1: DEFINITIONS:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CANDIDATE: Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. Received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or
- C. Causes on his behalf, any written material or advertisement to be printed, published, broadcasted, distributed or disseminated which indicates an intention to seek such office.

CONTRIBUTION:

- A. A gift, subscription, loan, advance or deposit of money or anything of value, except a loan of money by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business;

- B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- C. A transfer of funds between a political committee and a candidate's personal campaign committee; and
- D. A payment for the personal services of another person by a person other than the candidate's personal campaign committee for services rendered to the candidate or such candidate's personal campaign committee.

The term "contribution" shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.

ELECTION: A general, special or primary election conducted by the city or any of its political subdivisions, including elections limited to referendum or bond issues.

EXPENDITURE:

- A. A purchase, payment distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate or the outcome of any issue on any city ballot;
- B. A contract, promise or agreement, express or implied, and whether or not legally enforceable, to make any expenditure; or
- C. A transfer of funds by a political committee to another political committee, or to a candidate's personal campaign committee.

ISSUE: Any question, other than the election of a candidate to city office, placed upon any municipal ballot to be affirmed or defeated by popular vote and includes, but is not limited to, bond issues and referenda.

PERSON: Both natural and legal persons, including, but not limited to, corporations, partnerships, trusts, other business organizations, personal campaign committees, party committees, labor unions, labor organizations and any other organized group of individuals.

PERSONAL CAMPAIGN COMMITTEE: The political committee appointed by a particular candidate to act for such candidate, as provided in this article.

POLITICAL ACTION COMMITTEE: A person or group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of a donation to a personal campaign committee.

POLITICAL ISSUE COMMITTEE: A person or group of persons working and/or cooperating to aid or promote the success or defeat of an issue affecting the city, as a whole or any part thereof.

POLITICAL PURPOSE: An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the election of a candidate or any issue on the ballot at a municipal election.

PRIMARY ELECTION: Any primary election held pursuant to Utah Code Annotated title 20A, or its successor, and/or any election held prior to the general election as provided by Utah Code Annotated title 20A, or its successor provisions.

REPORTING PERIOD: The period since the closing date of the last filed financial statement, if any, and the closing date of a financial statement to be filed. (2001 Code § 2-4-201; amd. 2009 Code; Ord. 14-____, 02-12-2014)

1-7A-7: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

- A. Disclosure Duty: Each candidate for elected municipal office shall report financial contributions in full compliance with state law, including those in Utah Code section 10-3-208 and title 20A, chapter 11, or successor provisions: provided that for city elective offices, such disclosure of campaign contributions shall take place at the same times and in the same detail in connection with both city primary elections and city general elections.
- B. Report Filing: The filings required by this section shall be made with the city clerk-recorder. The statements so filed shall be public records. (2001 Code § 2-4-207; amd. 2009 Code; Ord. 14-____, 02-12-2014)

1-7A-8: POLITICAL ACTION COMMITTEES AND POLITICAL ISSUE COMMITTEES:

- A. Disclosure Duty: Each political action committee and political issue committee providing financial or in-kind support to a candidate for elected municipal office or in connection with an issue shall report concerning itself and with respect to financial and other contributions as provided in Utah Code Title 20A, Chapter 11, or successor provisions; provided that such disclosure shall take place at the same times and in the same detail in connection with both city primary elections and city general elections.
- B. Report Filing: The filings required by this section shall be made with the city clerk-recorder. The statements so filed shall be public records. (Ord. 14-____, 02-12-2014)

Section 2. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 3. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 12th day of February, 2014.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	"AYE"	"NAY"
Jeff Haaga	_____	_____
Judy Hansen	_____	_____
Chris McConnehey	_____	_____
Chad Nichols	_____	_____
Ben Southworth	_____	_____
Justin D. Stoker	_____	_____
Mayor Kim V. Rolfe	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2014, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

ARTICLE A. ELECTED OFFICIALS

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CONTRIBUTION:

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- C. A transfer of funds between a political committee and a candidate's personal campaign committee; and
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EXPENDITURE:

- A. A purchase, payment distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate or the outcome of any issue on any city ballot;

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- B. Report Filing: The filings required by this section shall be made with the city clerk-recorder. The statements so filed shall be public records ~~and available for inspection and copy during normal city business hours and pursuant to the provisions of law.~~ (2001 Code § 2-4-207; amd. 2009 Code; Ord. 14-____, 02-12-2014)

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- B. Report Filing: The filings required by this section shall be made with the city clerk-recorder. The statements so filed shall be public records. (Ord. 14-___, 02-12-2014)